



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/986,670 | 11/09/2001 | Bart Kavanaugh | K2475.0001/P001 | 5823 |

24998 7590 08/04/2003

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
2101 L STREET NW
WASHINGTON, DC 20037-1526

EXAMINER

AKERS, GEOFFREY R

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3624

DATE MAILED: 08/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/98670

Applicant(s)

Kavanaugh

Examiner

Akers, J

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/20/03.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-11, 13-54, 56-65, 68-99 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-11, 13-54, 56-65, 68-99 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

Art Unit: 3624

DETAILED ACTION

Response to Amendment

1. This action is issued in reply to applicant's Amendment B filed 6/20/03.
2. Claims 2,12,55,66-67 were cancelled. Claims 1,3,11,13-23,31-33,42-43,52,56,65,86-87 were amended.
3. Claims 1,3-11,13-54,56-65,68-99 are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1,3-11,13-54,56-65,68-99 are rejected under 35 USC 103(a) as unpatentable over Burgess(US Pat. No: 5,966,693) in view of National Underwriter(7/12/99) in view of CA Magazine(vol 132 #9)(11/99) in view of Atkins(US Pat. No: 5,884,285) and further in view of Sexton(US Pat. No: 5,752,236).
6. As per claims 1,3-11,13-54,56-65,68-99 Burgess teaches a method of combining a loan with life insurance(Abstract)(Figs 1-3). National Underwriter teaches funding the combination of life insurance and annuities(pages 1-3). CA Magazine teaches the advantages of combining an annuity with a life insurance contract(Pages 1-3) as well as analyzing companies for financial and

Art Unit: 3624

investment offerings. Atkins teaches a system for managing financial accounts through interaccount reallocation including using mortgage funds to increase the value of a designated asset (Abstract) (Fig 1-13) (col 1 line 65-col 3 line 12). Sexton teaches life insurance investment structures which include two separate insurance products (insurance policy and annuity) for the same individual (Abstract) (Fig 1-10) (col 4 line 11-col 6 line 50). It would have been obvious to one skilled in the art at the time of the invention to combine Burgess in view of National Underwriter in view of CA Magazine in view of Atkins and further in view of Sexton to teach the disclosure. The motivation to combine Burgess in view of National Underwriter is to teach a loan system which may be applied to purchasing an annuity and a life policy. Furthermore, the motivation to combine Burgess in view of National Underwriter and further in view of CA Magazine is to teach a loan system which may be applied to the purchase of an annuity and a life insurance contract and which provides a system for generating an after tax return on an insured annuity arrangement that may be significantly greater than conventional interest-bearing investments as enunciated by Giacomini (CA Magazine) (Page 3). policy. Also, the motivation to combine Burgess in view of National Underwriter in view of CA Magazine and further in view of Atkins is to teach a loan system which may be applied to the purchase of an annuity and a life insurance contract and which provides a system for generating an after tax return on an insured annuity arrangement that may be significantly greater than conventional interest-bearing accounts, and which can be dynamically reallocated to different accounts (mortgage)

Art Unit: 3624

(insurance/annuities/insurance policies) as enunciated by Atkins(col 2 line 25-50).policy.Finally, the motivation to combine Burgess in view of National Underwriter in view of CA Magazine in view of Atkins and further in view of Sexton is to teach a loan system which may be applied to the purchase of an annuity and a life insurance contract and which provides a system for generating an after tax return on an insured annuity arrangement that may be significantly greater than conventional interest-bearing accounts and which may also include annuities and insurance policies in an allocated combination meeting the combination "life insurance contract" as defined by IRC Sect.7702 as enunciated by Sexton(col 5 lines 32-53).

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1,3-11,13-54,56-65,68-99 are further rejected under 35 USC 112(2nd) for failing to define in sufficiently precise terms what the applicant regards is the invention. In particular the subject independent claims are too broad and must be narrowed further to adequately define the disclosure over existing art.

Response to Arguments

9. Applicant's arguments with respect to claims as designated above have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 3624

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the

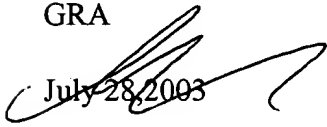
Application/Control Number: 09/986670

Page 6

Art Unit: 3624

status of this application should be directed to the Group receptionist whose telephone number is
(703)-308-1113.

GRA

 July 28, 2003

DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER